

Application No. 09/605,688

Atty. Docket No.: 01-047

**REMARKS**

Claims 2-13, 22, 23, 28 and 30-33 are currently pending. Reconsideration of the present application is respectfully requested.

The Examiner has rejected remaining pending claims 2-13, 22, 23, 28 and 30-33 under 35 USC 112, first paragraph as failing to comply with the written description requirement. Specifically, the Examiner has asserted that the term "non-GPS data" is not described in the specification.

Without addressing the merits of the Examiner's above assertion, Applicants have deleted the above term from pending independent claims 2 and 30-33, thereby rendering the Examiner's rejection of the claims under 35 USC 112, first paragraph moot.

As the above amendments do not raise any new issues, Applicants contend that the following remarks distinguish the claimed invention over the art of record, and set forth in detail the reasons why the finality of the present rejection should be withdrawn.

The Examiner has rejected remaining pending claims 2-13, 22, 23, 28 and 30-33 under 35 USC 103(a) as being obvious in view of the combination of Hoover and DeLorme. The rejection is respectfully traversed.

Applicants would like to first note that the Examiner has again essentially repeated her reasons for rejecting the above claims from the November 16, 2004 Office Action, the remarks in which were repeated in large part from the Final Rejection dated March 30, 2004. Therefore, it appears that the Examiner has continued to ignore the remarks presented by Applicants. An example of the Examiner's repeating of previous remarks while ignoring the substance of Applicants' response may be found at the bottom of page 8 of the present Final Rejection, where

Application No. 09/605,688

Atty. Docket No.: 01-047

the Examiner continues to discuss the applicability of the Mueller reference, even though Mueller is no longer a reference cited in the Examiner's rejection.

It should be a primary objective of the Examiner (as well as the applicant) to further prosecution by responding completely to arguments presented by the applicant. MPEP 707.07(f) (Rev. 3, August 2005) states in pertinent part:

[A]n examiner *must provide clear explanations of all actions taken* by the examiner during prosecution of an application... Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument *and answer the substance of it* (emphasis added).

Applicants have traversed the claim rejections made by the Examiner and based on Hoover and DeLorme in at least the Examiner's office actions dated March 30, 2004, November 16, 2004 and in the present office action dated August 3, 2005. However, as is clear from the record, the Examiner has not answered the substance of Applicants' traversals, but instead continues to rely on the same general reasons with respect to applicability of Hoover and DeLorme. The Examiner has not provided any reasoning as to why Applicants' arguments are not persuasive (see page 9 of August 3, 2005 office action).

In particular, the Examiner relies on identical reasoning in asserting that DeLorme teaches the situation detecting means such as that recited in present claim 2. See pages 3-4 of the November 16, 2004 office action and pages 4-5 of the August 3, 2005 office action. However, the Examiner does not acknowledge or address Applicants' extensive remarks regarding the differences between the present invention as recited in claim 2 and Hoover and DeLorme (see pages 14-16 of the May 10, 2005 office action). Specifically, the Examiner does not address Applicants' assertion that DeLorme does not include a sensor and/or situation detecting block 3, both shown in FIG. 2 of the present application, and that DeLorme is therefore not concerned

BEST AVAILABLE COPY

Application No. 09/605,688

Atty. Docket No.: 01-047

with detecting varying environmental data such as data regarding scenery around the vehicle (claims 12 and 13), data on temperature outside the vehicle (claim 22) or weather or traffic status data (claim 23). Regarding claims 22 and 23, the Examiner summarily dismisses these claims as rejected based on "the analysis above" without providing any support for her assertion, even though Applicants requested on page 15 of the May 10, 2005 Amendment that the Examiner provide such support.

Further, Applicants note that the Examiner continues to reject independent claims 31-33 based on the premise that "Hoover, DeLorme and Mueller teach the invention substantially as claimed" without providing any reasoning as to which references teach or suggest which features of the claimed invention. As noted above, the Examiner continues to assert Mueller against these claims, even though Mueller is not cited against the claims in the present Final Rejection.

In summary, Applicants respectfully request that the Examiner fully consider Applicants' arguments presented in the August 10, 2005 Amendment as well as the remarks below. Assuming *arguendo* that the Examiner again rejects the pending claims, Applicants assert that any subsequent action issued by the Examiner should be non-final, as a clear issue has not been developed between the Examiner and Applicants per the requirements of MPEP 706.07 in view of the lack of support for the Examiner's position in both the present Final Rejection and in the previous office action.

Turning now to the merits of the present Final Rejection, the Examiner as noted above again asserts that DeLorme includes situation detecting means for detecting data regarding an environment of the user that varies with movement of the user. However, DeLorme does not teach or suggest situation detecting means such as that recited in claims 2 and 30 because DeLorme is directed to use of a relational database of goods and services information that a user

Application No. 09/605,688

Atty. Docket No.: 01-047

can access and preview based on a preferred location of topical interest for planning an individualized travel schedule. DeLorme does not include, for example, a sensor such as the sensor shown in FIG 2 of the present application, and is therefore not concerned with detecting varying environmental data such as, for example, data regarding scenery around the vehicle (claims 12 and 13), data on temperature outside the vehicle (claim 22), or weather or traffic status data (claim 23).

Regarding the above, the Examiner points to col. 35, lines 16-45 as describing scenery around the vehicle. However, DeLorme does not disclose detecting such scenery; rather, the scuba diving example provided therein is merely information retrieved by the user from a central database and is not varying environmental data sensed at the terminal side by a situation detector.

Further, as previously discussed, the Examiner provides no basis for her rejection of claims 22 and 23 other than to assert that the rejection is based on "the analysis above." Applicants contend that the environmental data limitations recited in these claims is not taught or suggested by DeLorme.

Also, DeLorme does not teach or suggest a terminal-side information generation means/generator as recited in claims 2 and 30-33 for generating terminal-side information, including data regarding an environment of the user that varies with movement of the user, as detected by the situation detecting means. Put another way, the referred-to data in columns 22, 33, 73 and 75 of DeLorme is not information including varying user environment data detected and generated at a terminal side, but rather is information retrieved from an online interactive Travel Reservation Information Planning System (TRIPS) that enables a user to make travel arrangements from a personal computer 105 over a communications link 107 (col. 13, lines 31-46; col. 14, lines 53 – col. 15, line 13).

BEST AVAILABLE COPY

Application No. 09/605,688

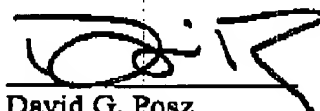
Atty. Docket No.: 01-047

Finally, DeLorme neither teaches nor suggests (mobile) user terminals including a transmitter for automatically transmitting the user-side information to the center when a user generated request for retrieval is made, and the center then adding this user-side information to an information database, with the new information subsequently becoming available to user terminals. Rather, DeLorme is merely concerned with individually tailored travel planning sessions; none of the information received from users is subsequently accessible to other users.

In view of the deficiencies of Hoover and DeLorme noted above and in previous Amendments, the combination of Hoover and DeLorme fails to render the present invention obvious as recited in the rejected claims. Applicants respectfully request that the rejection under 35 USC 103(a) be withdrawn.

In view of the above remarks and amendments, the present application is now in condition for allowance. Applicants therefore respectfully request a prompt Notice to that effect. Please charge any fees that may be due, or credit any refunds, to Deposit Account No. 50-1147.

Respectfully submitted,



David G. Posz  
Reg. No. 37,701

DGP  
Posz Law Group, PLC  
12040 South Lakes Drive  
Suite 101  
Reston, VA 20191  
(703) 707-9110  
Customer No. 23400